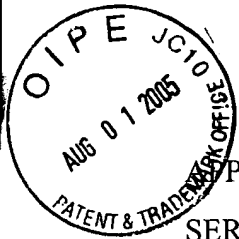


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Attorney Docket No. 00020.08CON



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: HODGES, *ET AL.*

SERIAL NO.: 10/696,959

FILED: OCTOBER 30, 2003

TITLE: DELIVERY OF AEROSOLS
CONTAINING SMALL PARTICLES
THROUGH AN INHALATION ROUTE

EXAMINER: Haghighatian, M.

ART UNIT: 1616

CONFIRMATION NO.: 8482

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Applicant calls the Examiner's attention to the patents and publications listed on the attached Form PTO-1449, copies of required documents enclosed, which may be material to examination of the above identified application. In accordance with 37 CFR § 1.98(a)(3)(i) the relevance of Clark et al. (1986) Z. Erkrank 166:13-24 is set forth in the abstract, the English translations of which is provided.

TIME OF TRANSMITTAL

This Information Disclosure Statement is being submitted under 37 CFR § 1.97(c). This Statement is filed after three months from the filing date of the national application, after three months from the date of entry into national stage under 37 CFR § 1.491, after the mailing of a first Office Action on the merits, or after the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR § 1.114, but before the mailing date of any of:

- (a) a final action under 37 CFR § 1.113;
- (b) a notice of allowance under 37 CFR § 1.311; or
- (c) an action that otherwise closes prosecution in the application.

This Statement is accompanied by a check for \$180 in accordance with 37 CFR §§1.97(c) and 1.17(p). The undersigned hereby authorizes the charging of any deficiency of fees submitted herewith to Deposit Account No. 19-5117.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. This listed patents and publications are believed of

37 CFR 1.8

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 29, 2005

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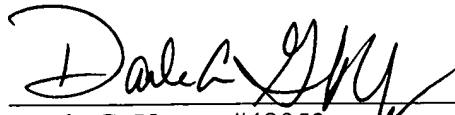
Signature:

Name: Tracy E. Crispino

interest herein and consideration and citation of as interest by Examiner is respectfully requested.

Respectfully submitted,

Date: July 29, 2005

A handwritten signature in black ink, appearing to read 'Darla G. Yoerg', written over a horizontal line.

Darla G. Yoerg, #48053
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Highlands Ranch, Colorado 80129
303-268-0066 Telephone
303-268-0065 Facsimile

cc: W. Leschensky
S:\CLIENTFOLDERS\ALEXZA\20.08CONVIDS.DOC

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|---|--|--|---------------------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE List of Information Cited by Applicant Page 1 of 3 | ATTY. DOCKET NO. 00020.08CON | | SERIAL NO. 10/696,959 |
| | APPLICANT HODGES, ET AL. | | |
| | FILING DATE OCTOBER 30, 2003 | | GROUP 1616 |
| | | | |

| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|----|-----------------|------------|-------------------|-----|---------|-----------|
| EXAM. INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLS | SUB-CLS | FILE DATE |
| | AA | 10/057,198 | 10/26/2001 | Lloyd et al. | | | |
| | AB | 10/146,088 | 5/13/2002 | Hale et al. | | | |
| | AC | 10/280,315 | 10/25/2002 | Shen | | | |
| | AD | 10/302,614 | 11/21/2002 | Lu | | | |
| | AE | 10/322,227 | 12/17/2002 | Novack et al. | | | |
| | AF | 10/442,385 | 5/20/2003 | Cross et al. | | | |
| | AG | 10/719,540 | 11/20/2003 | Hale et al. | | | |
| | AH | 10/850,895 | 5/20/2004 | Damani et al. | | | |
| | AI | 10/851,018 | 5/20/2004 | Hale et al. | | | |
| | AJ | 10/851,429 | 5/20/2004 | Hale et al. | | | |
| | AK | 10/851,432 | 5/20/2004 | Hale et al. | | | |
| | AL | 10/851,883 | 5/20/2004 | Hale et al. | | | |
| | AM | 10/861,554 | 6/3/2004 | Cross et al. | | | |
| | AN | 10/912,417 | 8/4/2004 | Bennett et al. | | | |
| | AO | 10/917,720 | 8/12/2004 | Hale et al. | | | |
| | AP | 10/917,735 | 8/12/2004 | Hale et al. | | | |
| | AQ | 10/750,303 | 8/12/2004 | Rabinowitz et al. | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | |
|--------------------------|----|-----------------|------------|---------------|-----|---------|---------|
| EXAM. INITIAL | | DOCUMENT NUMBER | DATE | COUNTRY | CLS | SUB-CLS | TRANS ? |
| | AR | GB 502 761 | 03/24/1939 | Great Britain | | | |
| | AS | WO 97/36574 | 10/09/1997 | WIPO | | | |
| | AT | WO 99/16419 | 04/08/1999 | WIPO | | | |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | |
|---|--|--|--|--|
| AU | Office Action mailed 12/04/03 for US App. No. 10/057,198 filed 10/26/01 "Method And Device For Delivering A Physiologically Active Compound" | | | |
| AV | Office Action mailed 01/12/05 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method" | | | |
| AW | Office Action mailed 06/03/04 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method" | | | |
| AX | Office Action mailed 12/15/03 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method" | | | |
| AY | Office Action mailed 02/27/04 for US App. No. 10/146,080 filed 05/13/02, "Aerosol Forming Device For Use In Inhalation Therapy" | | | |
| AZ | Office Action mailed 08/13/03 for US App. No. 10/153,313 filed 05/21/02, "Delivery of Benzodiazepines through an Inhalation Route" | | | |
| EXAMINER | | | | |
| DATE CONSIDERED | | | | |
| *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | | |

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| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE List of Information Cited by Applicant Page 2 of 3 | ATTY. DOCKET NO. 00020.08CON | SERIAL NO. 10/696,959 |
| | APPLICANT HODGES, ET AL. | |
| | FILING DATE OCTOBER 30, 2003 | GROUP 1616 |

| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|-----|--------------------|------------|------------------|-----|-------------|--------------|
| EXAM. INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLS | SUB- CLS | FILE DATE |
| | BA | 3,219,533 | 11/23/1965 | Mullins | | | |
| | BB | 3,949,743 | 4/13/1976 | Shanbrom | | | |
| | BC | 3,982,095 | 9/21/1976 | Robinson | | | |
| | BD | 4,141,369 | 2/27/1979 | Burruss | | | |
| | BE | 4,303,083 | 12/1/1981 | Burruss, Jr. | | | |
| | BF | 4,474,191 | 10/2/1984 | Steiner | | | |
| | BG | 4,484,576 | 11/27/1984 | Albarda | | | |
| | BH | 4,566,451 | 1/28/1986 | Badewien | | | |
| | BI | 4,734,560 | 3/29/1988 | Bowen | | | |
| | BJ | 4,819,665 | 4/11/1989 | Roberts et al. | | | |
| | BK | 4,848,374 | 7/18/1989 | Chard et al. | | | |
| | BL | 4,853,517 | 8/1/1989 | Bowen et al. | | | |
| | BM | 4,906,417 | 3/6/1990 | Gentry | | | |
| | BN | 4,917,119 | 4/17/1990 | Potter et al. | | | |
| | BO | 4,922,901 | 05/08/1990 | Brooks et al. | | | |
| | BP | 4,924,883 | 5/15/1990 | Perfetti et al. | | | |
| | BQ | 4,963,289 | 10/16/1990 | Ortiz et al. | | | |
| | BR | 5,060,671 | 10/29/1991 | Counts et al. | | | |
| | BS | 5,099,861 | 03/31/1992 | Clearman et al. | | | |
| | BT | 5,135,009 | 8/4/1992 | Muller et al. | | | |
| | BU | 5,144,962 | 9/8/1992 | Counts et al. | | | |
| | BV | 5,146,915 | 9/15/1992 | Montgomery | | | |
| | BW | 5,345,951 | 9/13/1994 | Serrano et al. | | | |
| | BX | 5,366,770 | 11/22/1994 | Wang | | | |
| | BY | 5,511,726 | 4/30/1996 | Greenspan et al. | | | |
| | BZ | 5,564,442 | 10/15/1996 | MacDonald et al. | | | |
| | BAA | 5,592,934 | 1/14/1997 | Thwaites | | | |
| | BBB | 5,605,146 | 2/25/1997 | Sarela | | | |
| | BCC | 5,649,554 | 7/22/1997 | Sprinkel et al. | | | |
| | BDD | 5,666,977 | 9/16/1997 | Higgins et al. | | | |
| | BEE | 5,758,637 | 06/02/1998 | Ivri et al. | | | |
| | BFF | 5,743,251 | 4/28/1998 | Howell et al. | | | |
| | BGG | 5,747,001 | 05/05/1998 | Wiedmann et al. | | | |
| | BHH | 5,819,756 | 10/13/1998 | Mielordt | | | |
| | BII | 5,840,246 | 11/24/1998 | Hammons et al. | | | |

| | |
|---|-----------------|
| EXAMINER | DATE CONSIDERED |
| *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |

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|---|--|---------------------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE List of Information Cited by Applicant Page 3 of 3 | ATTY. DOCKET NO. 00020.08CON | SERIAL NO. 10/696,959 |
| | APPLICANT HODGES, ET AL. | |
| | FILING DATE OCTOBER 30, 2003 | GROUP 1616 |

| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|----|--------------------|------------|-----------------|-----|-------------|--------------|
| EXAM. INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLS | SUB- CLS | FILE DATE |
| | CA | 5,855,913 | 1/5/1999 | Hanes et al. | | | |
| | CB | 5,874,481 | 2/23/1999 | Weers et al. | | | |
| | CC | 5,894,841 | 4/20/1999 | Voges | | | |
| | CD | 5,918,595 | 7/6/1999 | Olsson et al. | | | |
| | CE | 6,090,212 | 7/18/2000 | Mahawili | | | |
| | CF | 6,095,134 | 8/1/2000 | Sievers et al. | | | |
| | CG | 6,131,570 | 10/17/2000 | Schuster et al. | | | |
| | CH | 6,136,295 | 10/24/2000 | Edwards et al. | | | |
| | CI | 6,155,268 | 12/5/2000 | Takeuchi | | | |
| | CJ | 6,158,431 | 12/12/2000 | Poole | | | |
| | CK | 6,234,167 | 5/22/2001 | Cox et al. | | | |
| | CL | 6,591,839 | 7/15/2003 | Meyer et al. | | | |
| | CM | 6,632,047 | 10/14/2003 | Vinegar et al. | | | |
| | CN | 6,701,922 | 3/9/2004 | Hindle et al. | | | |
| | CO | 6,772,756 | 8/10/2004 | Shayan | | | |
| | CP | 2002/0117175 | 8/29/2002 | Kottayil et al. | | | |
| | CQ | 2003/0032638 | 2/13/2003 | Kim et al. | | | |
| | CR | 2004/0016427 | 1/29/2004 | Byron et al. | | | |
| | CS | RE 30,285 | 05/27/1980 | Babington | | | |

| FOREIGN PATENT DOCUMENTS | | | | | | | |
|--------------------------|----|--------------------|------------|---------|-----|------------|------------|
| EXAM. INITIAL | | DOCUMENT NUMBER | DATE | COUNTRY | CLS | SUB CLS | TRANS ? |
| | CT | WO 00/00176 | 01/06/2000 | WIPO | | | |
| | CU | WO 00/00215 | 01/06/2000 | WIPO | | | |
| | CV | WO 00/47203 | 01/06/2000 | WIPO | | | |
| | CW | WO 00/64940 | 11/02/2000 | WIPO | | | |
| | CX | WO 00/66206 | 11/19/2000 | WIPO | | | |
| | CY | WO 03/037412 | 05/08/2003 | WIPO | | | |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | |
|---|--|-----------------|
| CZ | Hong et al. (2002) Respiratory Drug Delivery VIII:779-781 | |
| CAA | Clark et al. (1986) Z. Erkrank 166:13-24 | |
| CBB | Vapotronics, Inc. (1998) located at http://www.vapotronics.com.au/banner.htmu , 11 pages (visited on June 5, 2000) | |
| CCC | | |
| EXAMINER | | DATE CONSIDERED |
| *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | |